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| EXAMINER SCHNURR, JOHN R | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary

Application No.

10/712,289

Applicant(s)

RUSS ET AL.

Examiner

JOHN R. SCHNURR

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Amendment After Non-Final Rejection filed 12/20/2007. Claims 1-4, 6-11, 13 and 14 are pending and have been examined.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4, 6-11, 13 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 11 is objected to because of the following informalities: The claim is dependent upon cancelled claim 5. For the purposes of examination the claim was assumed to be dependent from claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Swix et al. (US Patent Application Publication 2004/0250273)**, herein Swix in view of **Calderone (US Patent 6,588,017)**.

Consider **claim 1**, Swix clearly teaches a local network system, comprising:

a satellite receiving device for receiving satellite signals from at least one transponder and forwarding the satellite signals to a switch; (**Fig. 1: Tuner/Demod. 102 receives satellite signals and forwards them to switch 101, [0036] and [0040]**)

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the switch for receiving and forwarding the satellite signals, stored presentations, **([0041])** and control signals from a plurality of remote devices; **([0024])**

the plurality of remote devices coupled to the switch, each remote device for directly receiving the satellite signals from the local network, **(Fig. 1: STBs 300 receive the satellite signals directly from the switch 101, [0024] and [0062].)** for transmitting the control signals in accordance with a stored presentation. **(The requested video may be stored on mass storage device 103, [0041].)**

However, Swix does not explicitly teach a primary DHCT, specifically:

the primary DHCT for receiving the satellite signals from the satellite receiving device and the control signals at an input port, and for selectively storing presentations included in the satellite signals, the primary DHCT comprising:

a storage device for storing at least one presentation; and

a modulator for modulating a requested stored presentation to a predetermined frequency, and for providing the requested presentation to the switch via one of the input port or an output port of the primary DHCT;

the plurality of remote devices coupled to the switch receive the requested presentation at the predetermined frequency.

In an analogous art, Calderone, which discloses a system for providing digital video using master and slave set-top boxes, clearly teaches the primary DHCT for receiving the satellite signals from the satellite receiving device and the control signals at an input port, **(Fig. 1: Master STB 102 receives broadcast video signals from the power splitter 106, column 4 lines 20-51 and column 6 lines 42-52, and control signals from the remote STB 104, column 6 lines 29-32.)** and for selectively storing presentations included in the satellite signals, **(Fig. 1: Memories 142 and 144 store video data, column 4 lines 60-64 and column 6 lines 42-52)** the primary DHCT comprising:

a storage device for storing at least one presentation; **(column 4 lines 60-64)**

a modulator for modulating a requested stored presentation to a predetermined frequency, and for providing the requested presentation to the switch via one of the input port or an output port of the primary DHCT;

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(Fig. 1: RF modem 132 modulates the bit stream being sent to the slave device, column 5 lines 21-57.)

the plurality of remote devices coupled to the switch receive the requested presentation at the predetermined frequency. **(column 5 lines 55-57)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Swix by substituting the local server with a primary DHCT, as taught by Calderone, for the benefit of providing the functionality of the local server in a device which may be used as a stand-alone unit (column 1 lines 47-56 Calderone).

6. Claims **2-4, 6-11, 13 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Swix et al. (US Patent Application Publication 2004/0250273)** in view of **Calderone (US Patent 6,588,017)** as applied to claim 1 above, and further in view of **Gurantz et al. (US Patent 7,130,576)**, herein Gurantz.

Consider **claim 2**, Swix combined with Calderone, as in claim 1, clearly teaches modulating the stored presentation before transfer to the remote device.

However, Swix combined with Calderone, as in claim 1, does not explicitly teach the modulator is a QPSK modulator.

In an analogous art Gurantz, which discloses a system for distributing satellite signals to multiple set-top devices, clearly teaches the dominant modulation type in satellite systems is QPSK. **(column 11 lines 54-55)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Swix combined with Calderone, as in claim 1, by modulating the stored presentation using QPSK, as taught by Gurantz, because both systems teach modulation of distributed satellite signals the use of QPSK modulation would have yielded predictable results.

Consider **claim 3**, Swix combined with Calderone, as in claim 1, clearly teaches the switch receives the satellite signals. **(Fig. 1 Switch 101 Swix)** Swix combined with Calderone, as in claim 1, further teach modulating the stored presentation so as to be distinguishable from the digital programming signals. **(column 5 line 64 to column 6 line 3 Calderone)**

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However, Swix combined with Calderone, as in claim 1, does not explicitly teach the switch having first and second polarizations.

In an analogous art Gurantz, which discloses a system for distributing satellite signals to multiple set-top devices, clearly teaches a switch for providing a first or second polarization. **(column 1 lines 44-54)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Swix combined with Calderone, as in claim 1, by utilizing a switch having first and second polarizations, as taught by Gurantz, for the benefit of receiving all of the data transmitted by the satellite.

Consider **claim 4**, Swix combined with Calderone and Gurantz, as in claim 3, clearly teaches the modulator assigns the third polarization to the at least one stored presentation. **(column 5 line 64 to column 6 line 3 Calderone)**

Consider **claim 6**, see claim 4.

Consider **claim 11**, Swix combined with Calderone and Gurantz, as in claim 3, clearly teaches the switching function residing in the primary DHCT. **(Swix shows the switching function residing in the BMG 100.)**

Consider **claim 7**, Swix combined with Calderone, as in claim 1, clearly teaches the requested presentation is transmitted via the input port in the predetermined frequency that is excluded from the plurality of downstream frequency ranges. **(column 5 line 64 to column 6 line 3 Calderone)**

However, Swix combined with Calderone, as in claim 1, does not explicitly teach the satellite signals are transmitted in a plurality of downstream frequency ranges.

In an analogous art Gurantz, which discloses a system for distributing satellite signals to multiple set-top devices, clearly teaches the satellite signals are transmitted in a plurality of downstream frequency ranges. **(column 1 lines 49-54)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Swix combined with Calderone, as in claim 1, by transmitting the satellite signals in a plurality of downstream frequency ranges, as taught by Gurantz, for the benefit of providing multiple channels.

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Consider **claim 8**, Swix combined with Calderone, as in claim 1, clearly teaches the requested presentation is transmitted in the predetermined frequency **(the modulated signals maybe several hundred MHz, column 5 line 64 to column 6 line 3 Calderone)** wherein the satellite signals and the requested presentation is selected by a switching function. **(Fig. 1 Switch 101 Swix)**

However, Swix combined with Calderone, as in claim 1, does not explicitly teach the satellite signals are transmitted in a plurality of downstream frequency ranges and the modulated signals are transmitted in the downstream frequency range.

In an analogous art Gurantz, which discloses a system for distributing satellite signals to multiple set-top devices, clearly teaches the satellite signals are transmitted in a plurality of downstream frequency ranges. **(column 1 lines 49-54)**

Gurantz further teaches the modulated signals are transmitted in the downstream frequency range. **(The downstream frequencies are 950-1450 MHz, column 1 lines 33-37 Gurantz)**

See claim 7 for motivation.

Consider **claim 9**, Swix combined with Calderone and Gurantz, as in claim 8, clearly teaches the switching function resides in a separate external unit. **(Fig. 1 Multi port switch 160 Gurantz)**

Consider **claim 10**, Swix combined with Calderone and Gurantz, as in claim 8, clearly teaches external unit is incorporated in an LNB. **(Fig. 1 Satellite outdoor unit 110 Gurantz)**

Consider **claim 13**, Swix combined with Calderone, as in claim 1, clearly teaches the satellite communication system of claim 1.

However, Swix combined with Calderone, as in claim 1, does not explicitly teach providing the processed satellite signals according to a frequency and a polarization.

In an analogous art Gurantz, which discloses a system for distributing satellite signals to multiple set-top devices, clearly teaches providing the processed satellite signals according to a frequency and a polarization. **(column 1 lines 44-54)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Swix combined with Calderone, as in claim 1, by utilizing a switch having first and second

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polarizations, as taught by Gurantz, for the benefit of receiving all of the data transmitted by the satellite.

Consider **claim 14**, Schupak combined with Calderone and Gurantz, as in claim 13, clearly teaches the primary DHCT comprising a modulator for modulating the requested presentations to the predetermined frequency having a polarization (**column 1 lines 44-54 Gurantz**) prior to transmission to the at least one remote device. (**Fig. 1: RF modem 132 modulates the bit stream being sent to the slave device, column 5 lines 51-57 Calderone.**)

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on Monday - Friday, 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRS

/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623